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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,435	09/28/2000	John Kenyon Gerken III	RAL9-2000-0034US1	8160

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KELLY K. KORDZIK
WINSTEAD SECHREST & MINICK PC
PO BOX 50784
DALLAS, TX 75201

EXAMINER

MCCLELLAN, JAMES S

ART UNIT PAPER NUMBER

3627

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672,435

Applicant(s)

GERKEN ET AL.

Examiner

James S McClellan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 46-57 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9,10,12-14,31,32 and 34-36 is/are allowed.
- 6) ☒ Claim(s) 1-5,8,11,15-28,33 and 37-45 is/are rejected.
- 7) ☒ Claim(s) 6,7,29 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Appeal Brief

1. In view of the Appeal Brief filed on 8/19/04, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Amendment

2. Applicant's submittal of an amendment was entered on 8/19/04, wherein:

claims 1-45 are pending and

claims 9 and 31 have been amended.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 8, 11, 24, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,010,485 (hereinafter "Bigari") in view of U.S. Patent No. 6,275,200 (hereinafter "Heady").

In regards to independent **claim 1**, Bigari discloses a method of accelerating sales transactions of customers in a retail store (see column 3, lines 12-15), comprising the acts of: reading a customer payment card number (via card reader 24) at a customer checkout accelerator; determining a preapproval amount for the sales transaction (see column 7, lines 21-23); displaying the preapproval sales transaction amount to the customer on the checkout accelerator for acceptance (via display 28, see column 7, lines 23-26); transmitting the preapproval amount to an external card services system for approval (see column 7, lines 49-62); and storing the approval amount at a point of sales terminal (via communications line 33) for use in completing the sales transaction; [**claim 5**] determining if the payment card is one or more of credit card (see charge card reader 24), debit card, a customer loyalty card, an electronic/Internet wallet, or an electronic gift certificate; [**claim 8**] manually entering a specific preapproval amount by the customer (see column 7, lines 21-23); and [**claim 11**] printing a sales transaction receipt and a credit or debit voucher (see column 8, lines 49-52).

In regards to independent **claim 24**; Bigari discloses a computer readable medium containing a computer program product for accelerating sales transactions of customers in a retail that is programmed to complete the steps of claim 1 as described above in detail. Bigari discloses the limitations of **claims 24 and 33** as described above in detail for similar claims 1, 5, 8, and 11.

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Regarding **claims 1 and 24**, Bigari fails to expressly disclose storing the preapproval amount in a preapproval cache at a point of sales terminal. After inputting the preapproval amount via voucher reader 34, Bigari is silent as to where or how the preapproval amount is stored in anticipation of processing by the point of sale terminal.

Heady teaches the use of a point of sale terminal (310) that includes a processor (410) that further comprises cache memory (see column 5, lines 20-25) that assists in executing software routines.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bigari with cache memory associated with the point of sale processor as taught by Heady, because providing cache for a processor allows the processor to operate more efficiently and at a higher speed because cache memory serves as a high-speed local memory source.

5. Claims 2-4 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bigari in view of Heady as applied to claims 1, 5, 8, 11, 24, and 33 above, and further in view of U.S. Patent No. 5,535,407 (hereinafter "Yanagawa").

Bigari in combination with Heady fail to explicitly disclose the use of a store controller for storing customer transaction data.

Yanagawa teaches the use of a store controller (20) for storing customer transaction data.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bigari/Heady with a store controller as taught by Yanagawa, because store controllers serve as a processing hub for a plurality of POS terminal, wherein decreasing the amount of processing power and memory storage capacity required by the POS terminals.

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6. Claims 15-23 and 37-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bigari in view of Heady as applied to claims 1, 5, 8, 11, 24, and 33 above, and further in view of U.S. Patent No. 6,098,879 (hereinafter "Terranova").

Bigari in combination with Heady fail to disclose a checkout accelerator displaying promotional merchandise that can be added to the sales transaction, wherein some or all of the promotional merchandise can be made available through a hyperlink to one or more Internet web sites.

Terranova teaches the use of personal point of sale system that displays promotional merchandise that can be added to the sales transaction via Internet hyperlinks (see column 10, lines 60-63; see also column 9, lines 5-13). Additionally, Terranova teaches the use of configuring the display using customer preferences (see column 1, lines 42-63; see also column 2, lines 29-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bigari/Heady with promotional display as taught by Terranova, because utilizing the customer display to advertise to customers will increase the likelihood of additional sales while the customer is merely waiting and further provides a higher level of service to the customer.

Regarding **claims 18, 23, 40, and 45**, the Examiner takes Official Notice that is old and well known to track advertisements for billing vendors, because tracking vendor-based advertisements allows the owner of the system to charge outside vendors for advertisements, wherein helping to offset some of the expense of providing the system to the customer.

Allowable Subject Matter

7. Claims 9, 10, 12-14, 31, 32, and 34-36 are allowable.
8. Claims 6, 7, 29, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed on August 19, 2004 have been fully considered but they are not fully persuasive.

Applicant's arguments are moot in view of the new grounds of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703) 308-5183.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks
Washington D.C. 20231

Application/Control Number: 09/672,435

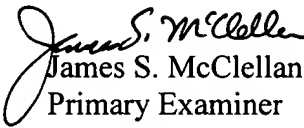
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or faxed to:

(703) 872-9306 (Official communications) or
(703) 746-3516 (Informal/Draft communications).

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington, VA, 7th floor receptionist.


James S. McClellan
Primary Examiner
A.U. 3627

jsm
February 4, 2005